

**ENTERED**

June 03, 2021

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

SHELBY JONES,

Plaintiff,

VS.

FOSTER AND MONROE LLC, *et al*,

Defendants.

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CIVIL ACTION NO. 4:20-CV-00440

**JUDGMENT**

Pending before the Court is Plaintiff Shelby Jones's ("Plaintiff") Motion for Default Judgment against Defendant, Foster and Monroe LLC ("Defendant") (Doc. No. 15). The Clerk of the Court has already entered an Entry of Default on March 30, 2020 (Doc. No. 11) against Defendant. After considering the briefing, the proof of service, and the affidavits, the Court hereby GRANTS the Motion for Default Judgment (Doc. No. 15).

The Fair Debt Collection Practices Act allows a plaintiff to recover actual damages suffered because of the wrongful practices of a debt collector. 15 U.S.C. § 1692k(a)(1). The statute instructs courts to consider evidence of "the frequency and persistence of noncompliance by the debt collector, the nature of such noncompliance, and the extent to which such noncompliance was intentional" to determine the amount of actual damages. 15 U.S.C. § 1692k(b)(1). Here, Plaintiff has not referred the Court to any evidence whatsoever of actual damages, claiming only to have suffered "from fear, anxiety, stress, sleeplessness, mental anguish, mild depression and/or distraction from normal life." (Doc. No. 16). Without evidence to consider, the Court cannot assess the factors and is unable to award actual damages.

Therefore, the Court hereby grants Plaintiff a judgment against Defendant in the sum of \$1,000.00 representing statutory fees pursuant to 15 U.S.C. § 1692k(a)(2)(A), plus attorneys' fees and costs of \$4,750.00 pursuant to 15 U.S.C. § 1692k(a)(3), with post-judgment interest of .04% on the amount of this judgment from today's date until paid.

Signed this 3<sup>rd</sup> day of June, 2021.



Andrew S. Hanen  
United States District Judge

TRUE COPY I CERTIFY

ATTEST: 11/9/21

NATHAN OCHSNER, Clerk of Court

By: s/George Kelner

Deputy Clerk